

REMARKS

The Examiner's indication of allowable subject matter of claims 23-24 is noted with appreciation.

Claims 1, 2, 5-13, and 19-28 are pending in the application. Independent claims 1 and 21 have been amended to better define the claimed invention. Amended claims 1 and 21 find solid support in the original specification. For example:

Support for "*Acid agents*" is found in the original claims as filed;

Support for "*Amount sufficient to neutralize ammonia and indolic amines in the excrement*" is found in page 2, lines 3-4 and page 4 lines 11-12 from bottom;

Support for "*at least 0.1%*" is found in page 5, lines 4-8;

Support for "*biologically degradable, non-toxic and ecologically safe*" is found in page 5, line 7;

Support for "*for forming upon drying thin films for turning the excrement into solid cakes*" is found in page 4, line 11 and the last two lines.

No new matter has been introduced through the foregoing amendments.

The 35 U.S.C. 112, *first paragraph* rejection is believed overcome in view of the above amendments.

Claims 1, 2, 5-11, 19-21, 26-27 are not anticipated by nor obvious over *Kobayashi* for the reasons presented in the concurrently filed Declaration by a person of ordinary skill in the art, Professor Moshe Levy. Briefly, *Kobayashi* fails to teach or suggest all limitations of amended independent claims 1 and 21, namely:

- The claimed water soluble **film forming** polymers;
- The claimed concentration of **at least 0.1%** of the water soluble film forming polymers;

- The water soluble film forming polymers being **biodegradable**; and
- The water soluble film forming polymers being **non-toxic and ecologically safe**.

These deficiencies are not curable by other applied references. Accordingly, Applicants respectfully submit that all pending claims are patentable over the applied art of record.

The 35 U.S.C. 103(a) rejection of claims 11-13 and 28 is traversed for the reasons advanced in the previous Amendment and paragraph 7 of the attached Declaration. Applicants again submit that *Shimizu* is non-analogous art. The Examiner's rationale in the Final Office Action, page 8, lines 5-10 from bottom is noted. However, the Examiner did not point out **how** *Shimizu* is considered to be in the field of **applicant's** endeavor or, if not, then be reasonably pertinent to the particular problem with which the **inventor** was concerned. Note, in contrast, the very detailed argument of Applicants in page 6 of the last Amendment. The Examiner's rationale in the Final Office Action, page 8, line 11 from bottom to page 9, line 5, is also noted. The Examiner is kindly reminded that since *Shimizu* is non-analogous art, it is absolutely improper to rely on the reference in a 35 U.S.C. 103(a) rejection, notwithstanding page 9, lines 3-5 of the Final Office Action.

The 35 U.S.C. 103(a) rejection of claims 1, 5-10, 19-22, 25-27 as being obvious over *Dodd* is traversed for the reasons advanced in the previous Amendment and paragraph 8 of the attached Declaration, i.e., *Dodd* fails to teach or suggest polymers. The Examiner's observation in the Final Office Action, the last full paragraph on page 9, i.e., "Applicants argues that *Dodd* does not teach the use of the composition on animal excrement," is inaccurate. In fact, Applicants argued that *Dodd* is not modifiable to include the claimed water soluble **film forming** polymers due to the possible disadvantages pointed out in the last Amendment as well as in paragraph 8 of the attached Declaration. In other words, Applicants, in the paragraph bridging pages 6-7 of the last Amendment, argued that it would not have been obvious to modify *Dodd* to include the structure being claimed in this application. The Examiner has not properly responded to this argument. The Examiner also failed to respond to Applicants' request in the last Amendment, page 7, lines 12-15.

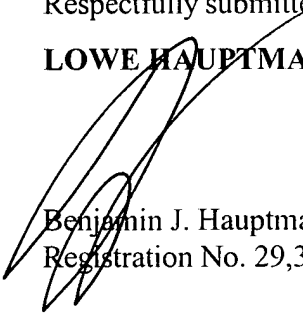
Each of the Examiner's rejections has been traversed/overcome. Accordingly, all claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



Benjamin J. Hauptman
Registration No. 29,310

USPTO Customer No. 22429
1700 Diagonal Road, Suite 310
Alexandria, VA 22314
(703) 684-1111 BJH/KL/klb
(703) 518-5499 Facsimile
Date: September 18, 2003